

House Bill 1506 (AS PASSED HOUSE AND SENATE)

By: Representative Scott of the 153rd

A BILL TO BE ENTITLED

AN ACT

1 To create a board of elections and registration for Turner County and to provide for its
2 powers and duties; to provide for definitions; to provide for the composition of the board and
3 the selection and appointment of members; to provide for the qualification, terms, and
4 removal of members; to provide for oaths and privileges; to provide for meetings,
5 procedures, and vacancies; to relieve certain officers of powers and duties and to provide for
6 the transfer of functions to the newly created board; to provide for certain expenditures of
7 public funds; to provide for compensation of members of the board and personnel; to provide
8 for offices and equipment; to provide for the board's performance of certain functions and
9 duties for certain municipalities; to provide for related matters; to repeal an Act creating a
10 board of elections for Turner County, approved March 30, 1989 (Ga. L. 1989, p. 4559); to
11 repeal an Act to amend the Act to provide a board of elections for Turner County, approved
12 April 14, 1997 (Ga. L. 1997, p. 4175); to provide for submission under Section 5 of the
13 federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Pursuant to subsection (b) of Code Section 21-2-40 of the O.C.G.A., there is created the
18 Board of Elections and Registration of Turner County. The board shall have the powers,
19 duties, and responsibilities of the superintendent of elections of Turner County under Chapter
20 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," currently being exercised by the
21 board of elections of Turner County, and the powers, duties, and responsibilities of the board
22 of registrars of Turner County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
23 Election Code."

SECTION 2.

As used in this Act, the term:

(1) 'Board' means the Board of Elections and Registration of Turner County.

(2) 'Commissioners' means the Board of Commissioners of Turner County.

(3) 'County' means Turner County.

(4) 'Election' shall have the same meaning as provided for in O.C.G.A. Code Section 21-2-2.

(5) 'Elector' shall have the same meaning as provided for in O.C.G.A. Code Section 21-2-2.

(6) 'Political party' shall have the same meaning as provided for in O.C.G.A. Code Section 21-2-2.

(7) 'Primary' shall have the same meaning as provided for in O.C.G.A. Code Section 21-2-2.

(8) 'Public office' shall have the same meaning as provided for in O.C.G.A. Code Section 21-2-2.

SECTION. 3

(a) The board shall be composed of five members who shall be appointed as provided in this section.

(b) Three members of the board shall be selected by the commissioners.

(c) One member of the board shall be appointed by the political party which received the highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member. One member of the board shall be appointed by the political party which received the second highest number of votes within the county for its candidate for Governor in the general election immediately preceding the appointment of such member. Each of these members appointed by the political parties shall be nominated by the party chairperson and ratified by the county executive committee of the appropriate political party at least 30 days before the beginning of the term of office or within 30 days after the creation of a vacancy in the office. In the event that a political party entitled to appoint a member of the board does not have a county executive committee, such appointment shall be made by the state executive committee of the political party. Should either political party fail to make its appointment, the other appointed members of the board shall be authorized to conduct the business of the board.

(d)(1) The initial members of the board shall be appointed no later than June 1, 2010.

(2) The initial members appointed by the governing authority shall take office on July 1, 2010, and serve an initial term of office of four years which shall expire on June 30, 2014, and until their respective successors are appointed and qualified. Successors to such

members shall be appointed not later than 30 days prior to the expiration of such members' term of office to take office on July 1, 2014, and every four years thereafter for a term of four years and until their respective successors are appointed and qualified.

(3) The initial members appointed by the political parties shall take office on July 1, 2010, and serve an initial term of two years which shall expire on June 30, 2012, and until their respective successors are appointed and qualified. Successors to such members shall be appointed no later than 30 days prior to the expiration of such members' term of office to take office on July 1, 2012, and every four years thereafter for a term of four years and until their respective successors are appointed and qualified.

(4) Successors to the initial members shall be appointed and qualified in the same manner as the initial members of the board.

SECTION 4.

(a) No person who holds elective public office shall be eligible to serve as a member of the board during the term of such elective office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

(b) Members of the board must be residents of Turner County and must have been registered voters in Turner County for a period of at least one year prior to the date of appointment to the board.

SECTION 5.

The governing authority of Turner County shall certify the appointment of each member of the board by filing an affidavit with the clerk of the superior court no later than 15 days preceding the date upon which each member is to take office, stating the name and residential address of the person appointed and certifying such member has been duly appointed as provided in this Act. The clerk of the superior court shall record each such certification on the minutes of the superior court, certify the name of each such appointed member to the Secretary of State, and provide for the issuance of appropriate commissions to the members within the same time and in the same manner as provided by law for registrars.

SECTION 6.

Each member of the board shall be eligible to succeed himself or herself without limitation, shall have the right to resign at any time by giving written notice of such resignation to the commissioners and to the clerk of the superior court, and shall be subject to removal from the board by the commissioners at any time, for cause, after notice and hearing.

SECTION 7.

In the event a vacancy occurs in the office of any appointed member before the expiration of his or her term, by removal, death, resignation, or otherwise, the appointing authority that made the original appointment of such member shall appoint a successor to serve the remainder of the unexpired term as provided for in Section 3 of this Act. The clerk of the superior court shall be notified of such interim appointments and record and certify such appointments in the same manner as the regular appointment of members.

SECTION 8.

Before entering upon the member's duties, each member shall take substantially the same oath as required by law for registrars and shall have the same privileges from arrest.

SECTION 9.

(a) The board shall be authorized to organize itself, determine its procedural rules and regulations, adopt bylaws, specify the functions and duties of its employees, and otherwise take such action as is appropriate to the management of the affairs committed to its supervision; provided, however, that no such action shall conflict with state law. Action and decisions by the board shall be by a majority of the members of the board. The board shall be responsible for the selection, appointment, and training of poll workers in primaries and elections.

(b) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. Any specially called meeting shall be called by the chairperson or any three members of the board. The board shall maintain a written record of policy decisions amended to include additions or deletions. Such written records shall be made available for the public to review.

(c) The board shall elect one of its members to serve as chairperson on an annual basis.

SECTION 10.

The board shall have the authority to contract with any municipality or such other political subdivision located within Turner County for the holding by the board of any primary or election to be conducted within such municipality or political subdivision; provided, however, that any such contract must be approved and ratified by the commissioners. Municipalities and political subdivisions shall be responsible to reimburse the commissioners for all costs related to or associated with any election performed by the board for the municipality or political subdivisions.

SECTION 11.

(a) The commissioners shall be authorized to appoint an elections supervisor to generally supervise, direct, and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The elections supervisor shall not be a member of the board or an elected official. The elections supervisor shall maintain regular office hours as directed by the commissioners. The elections supervisor may be either a full-time position or part-time position as determined by the commissioners. The elections supervisor shall be considered an employee of the county and shall be entitled to the same benefits as other full-time or part-time employees of the county. The elections supervisor shall be considered a county employee for purposes of pay, benefits, sick leave, vacation, termination of employment, and for other purposes. The election supervisor shall be subject to direction, evaluation, and corrective action by the commissioners.

(b) The commissioners shall be authorized to employ additional clerical assistants as needed to carry out the duties and functions of the board. All such clerical assistants shall be considered to be employees of county and shall be entitled to the same benefits as other employees of county.

(c) The current election superintendent shall act as election supervisor until an election supervisor is appointed as provided in this section; the current election superintendent may be appointed to succeed himself or herself.

SECTION 12.

Compensation for the members of the board, elections supervisor, clerical assistants, and other employees shall be fixed by the commissioners. Such compensation shall be paid wholly from county funds.

SECTION 13.

The commissioners shall provide the board with such proper and suitable offices, equipment, materials, and supplies and with such clerical assistance and other employees as the commissioners deems appropriate.

SECTION 14.

The commissioners shall through its legal counsel cause this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 15.

This Act shall become effective on its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on July 1, 2010. Upon this Act becoming fully effective, the board of elections of Turner County and the board of registrars of Turner County shall be relieved of all powers and duties to which the board succeeds by the provisions of the Act and shall deliver to the board all equipment, supplies, materials, books, papers, records, and facilities pertaining to such powers and duties. Effective July 1, 2010, the board of registrars of Turner County shall be abolished. Effective July 1, 2010, the board of elections of Turner County shall be abolished and an Act creating a board of elections for Turner County, approved March 30, 1989 (Ga. L. 1989, p. 4559), and amended by an Act approved April 14, 1997 (Ga. L. 1997, p. 4175), is repealed.

SECTION 16.

All laws and parts of laws in conflict with this Act are repealed.